

## SENATE BILL NO. 400

INTRODUCED BY TOOLE, FACEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE RAILROAD VANDALISM PREVENTION ACT;  
5 REDUCING THE PENALTIES; INCREASING FROM \$500 TO \$1,000 THE AMOUNT OF PROPERTY DAMAGE  
6 NEEDED TO MAKE THE OFFENSE A FELONY; MAKING THE ACT PERMANENT; AMENDING SECTION  
7 69-14-1205, MCA; REPEALING SECTION 8, CHAPTER 432, LAWS OF 2001; AND PROVIDING AN  
8 IMMEDIATE EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 69-14-1205, MCA, is amended to read:

13 **"69-14-1205. (Temporary) Intentional vandalism to railroad property.** (1) A person commits the  
14 offense of intentional vandalism to railroad property if the person knowingly or purposely vandalizes railroad  
15 property.

16 (2) A person convicted of intentional vandalism to railroad property must be ordered to make restitution  
17 to the railroad carrier in the amount of the cost to repair any railroad property damaged, the cost of any train or  
18 shipment delay, and the cost of any accident or damage resulting from the vandalism.

19 (3) (a) A person convicted of the offense of intentional vandalism to railroad property in which the  
20 damage to railroad property does not exceed ~~\$500~~ \$1,000 and in which there is no bodily injury to another  
21 person as a result of the offender's actions shall be fined an amount not to exceed ~~\$10,000~~ \$1,000 or be  
22 incarcerated in the county jail for a term not to exceed ~~10 years~~ 6 months, or both.

23 (b) A person convicted of the offense of intentional vandalism to railroad property in which the damage  
24 to railroad property exceeds ~~\$500~~ \$1,000 or in which there is bodily injury to another person as a result of the  
25 offender's actions shall be fined an amount not to exceed ~~\$20,000~~ \$10,000 or be incarcerated for a term not to  
26 exceed ~~20~~ 10 years, or both.

27 (c) A person convicted of the offense of intentional vandalism to railroad property that results in serious  
28 bodily injury to another person as a result of the offender's actions shall be fined an amount not to exceed  
29 ~~\$25,000~~ \$20,000 or be incarcerated in a state prison for ~~any a term of not to exceed 20 years or for life~~, or both;  
30 ~~except as provided in 46-18-219 and 46-18-222.~~

1 (d) A person convicted of the offense of intentional vandalism to railroad property that results in the  
2 death of another person as a result of the offender's actions shall be fined an amount not to exceed ~~\$100,000~~  
3 \$50,000 or be incarcerated in a state prison for ~~any a term of~~ not to exceed 40 years ~~or for life~~, or both, ~~except~~  
4 ~~as provided in 46-18-219 and 46-18-222. (Terminates April 30, 2003--sec. 8, Ch. 432, L. 2001.)"~~

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6 NEW SECTION. Section 2. Repealer. Section 8, Chapter 432, Laws of 2001, is repealed.

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8 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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